

# Senate Study Bill 3016

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ETHICS AND  
CAMPAIGN DISCLOSURE  
BOARD BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to ethics provisions by reducing the length of a  
2 prohibition for certain activities, creating a prohibition  
3 pertaining to certain conflicts of interest, creating a new  
4 nepotism provision, and making penalties applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 1 Section 1. Section 68B.2A, Code 2003, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 2A. A public official or public employee  
1 4 shall not accept compensation from anyone other than the state  
1 5 or the political subdivision for the performance of any act  
1 6 that the person would be required or expected to perform as  
1 7 part of the person's regular duties as an employee of the  
1 8 state or political subdivision or during the hours that the  
1 9 person performs service or work for the state or political  
1 10 subdivision.  
1 11 Sec. 2. NEW SECTION. 68B.2B NEPOTISM == EXECUTIVE  
1 12 BRANCH.  
1 13 1. An executive branch official or executive branch  
1 14 employee shall not cause the employment, appointment,  
1 15 promotion, transfer, or advancement to any office or position  
1 16 of the state of an immediate family member of the official or  
1 17 employee.  
1 18 2. An executive branch official or executive branch  
1 19 employee shall not participate in an action relating to the  
1 20 employment or discipline of an immediate family member of the  
1 21 official or employee.  
1 22 3. The board shall adopt rules pursuant to chapter 17A to  
1 23 administer this section.  
1 24 Sec. 3. Section 68B.7, Code 2003, is amended to read as  
1 25 follows:  
1 26 68B.7 OTHER ACTIVITIES == ~~TWO-YEAR~~ ONE-YEAR BAN.  
1 27 1. A person who has served as an official, state employee  
1 28 of a state agency, member of the general assembly, or  
1 29 legislative employee shall not within a period of ~~two years~~  
1 30 one year after the termination of such service or employment  
1 31 ~~appear~~ engage in any of the following:  
1 32 a. ~~Appear~~ before the ~~person's former~~ agency, ~~or receive~~  
1 33 b. Receive compensation for any services rendered on  
1 34 behalf of any person, firm, corporation, or association in  
1 35 relation to any case, proceeding, or application with respect  
2 1 to which the person was directly concerned and personally  
2 2 participated during the period of service or employment.  
2 3 2. A person who has served ~~as the head of or on a~~  
2 4 commission or board of a regulatory agency ~~or as a deputy~~  
2 5 ~~thereof,~~ shall not, within a period of ~~two years~~ one year  
2 6 after the termination of such service ~~accept,~~ engage in any of  
2 7 the following:  
2 8 a. ~~Accept~~ employment with that commission, board, or  
2 9 agency, ~~or receive~~  
2 10 b. Receive compensation for any services rendered on  
2 11 behalf of any person, firm, corporation, or association in any  
2 12 case, proceedings, or application before the ~~department with~~  
2 13 regulatory agency on which the person so member of the  
2 14 commission or board served wherein the person's compensation  
2 15 is to be dependent or contingent upon any action by such  
2 16 agency with respect to any license, contract, certificate,  
2 17 ruling, decision, opinion, rate schedule, franchise, or other  
2 18 benefit, or in promoting or opposing, directly or indirectly,  
2 19 the passage of bills or resolutions before either house of the  
2 20 general assembly.

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EXPLANATION

This bill relates to ethics provisions, including conflicts of interest, nepotism, and prohibited activities.

The bill creates a new conflicts of interest provision. The bill provides that a public official or public employee shall not accept compensation from anyone other than the state or the political subdivision for the performance of any act that the person would be required or expected to perform as part of the person's regular duties as an employee of the state or political subdivision or during the hours that the person performs service or work for the state or political subdivision.

The bill creates a nepotism provision for the executive branch. The bill prohibits an executive branch official or executive branch employee from causing the employment, appointment, promotion, transfer, or advancement to any office or position of the state of a member of the official's or employee's immediate family. The bill also provides that an executive branch official or executive branch employee shall not participate in an action relating to the employment or discipline of a member of the official's or employee's immediate family. Immediate family member is defined in Code chapter 68B as the spouse and dependent children of a public official or public employee.

Currently, officials, employees of a state agency, members of the general assembly, legislative employees, and members of a commission or board of a regulatory agency are prohibited from engaging in certain activities related to the former agency for a period of two years following the termination of service. The bill changes the two-year prohibition to a one-year prohibition.

The penalty provisions of Code section 68B.25 apply to all of the provisions of the bill. A person violating a provision of the bill is guilty of a serious misdemeanor and may be reprimanded, suspended, or dismissed from the person's position or otherwise sanctioned.

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